

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of:	:		
Yoshiaki Tanaka	:		
	:		
Conf. No.: 7840	:	Group Art Unit:	2835
	:		
Appln. No.: 10/656,561	:	Examiner:	Anatoly Vortman
	:		
Filing Date: September 4, 2003	:	Attorney Docket No.:	10844-32US
	:		(203058(C-2))
Title:	:		
Alloy Type Thermal Fuse and Material for a Thermal Fuse Element	:		

REQUEST FOR RECONSIDERATION

This is in response to the Office Action dated January 20, 2006 (Paper No. 0106) in the above application. This response is being timely filed by April 20, 2006.

REMARKS

Claims 1-100 are presently pending in the application. Claims 2-4, 6-8, 10-12, 14-16, 18-20, 22-24, 26-28, 30-32, 34-36, 38-40, 42-44, 46-48, 50-52, 54-56, 58-60, 62-64, 66-68, 70-72, 74-76, 78-80, 82-84, 86-88, 90-92, 94-96, and 98-100 have been withdrawn from consideration.

Applicant acknowledges and appreciates the Examiner's indication that the previous prior art rejections have been withdrawn, and that claims 13, 17, 21, 25, 29, 33, 37, 41, 45, 49, 53, 57, 61, 65, 69, 73, 77, 81, 85, 89, 93 and 97 have only been objected to as being dependent upon a rejected base claim. These claims would be allowable if rewritten in independent form. The Examiner acknowledges that the claimed elements are not taught or suggested by the prior art of record.

However, the Examiner has provisionally rejected claims 1, 5 and 9 on the grounds of obviousness-type double patenting as being unpatentable over claims 1 and 2 of co-pending Application No. 10/423,780. The Examiner argues that while the conflicting claims are not identical, they are not patentably distinct from each other because the claimed ranges of the Sn-Bi-In alloy are overlapping or close to the ranges of the alloy in the co-pending application. The Examiner concludes that it would have been obvious to one having ordinary skill in the fuse art at the time of the invention to adjust the ranges for ternary alloys as claimed in the co-pending

application in order to arrive at the presently claimed ranges. While not agreeing with the Examiner's conclusions, Applicant files herewith a Terminal Disclaimer and Statement of Common Ownership with respect to the '780 application. Accordingly, withdrawal of the double patenting rejection is respectfully requested.

In the Restriction Requirement dated January 18, 2005, the Examiner argued that claim 1 is only generic to Species I and II (which include all of the odd-numbered claims). Applicant previously traversed this assertion, arguing that claim 1 is generic to all of the claims. For example, claim 2 could be dependent upon claim 1, and the Examiner agrees that claim 2 is generic to Species III and IV (which include all of the even-numbered claims). Specifically, claim 1 recites a specific alloy composition of Sn, In, and Bi containing 20 to 50% In, and claim 2 recites a composition which differs only in the amount of In being 20 to 45%. Accordingly, the amount of In in claim 2 is a subset of the amount recited in claim 1. Since the Examiner never responded to these arguments, Applicant again respectfully requests that claim 1 be designated as generic to Species I, II, III, and IV so that upon allowance, claims 1-100 would be rejoined in the application.

Based on the preceding Remarks and Terminal Disclaimer, it is respectfully submitted that all of the present claims are patentably distinct from the prior art of record and in condition for allowance. A Notice of Allowance is respectfully requested.

Respectfully submitted,

YOSHIAKI TANAKA

April 4, 2006
(Date)

By: Sandra M. Katz
SANDRA M. KATZ

Registration No. 51,864

AKIN GUMP STRAUSS HAUER & FELD LLP

One Commerce Square

2005 Market Street, Suite 2200

Philadelphia, PA 19103-7013

Telephone: 215-965-1200

Direct Dial: 215-965-1344

Facsimile: 215-965-1210

E-Mail: skatz@akingump.com

SMK:smk

Encl: Terminal Disclaimer and Transmittal